

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)

v.)

JOHN J. PALANDJIAN,)

Defendant.)

Criminal No. 12-CR-10141-MLW

UNITED STATES' MOTION FOR FINAL ORDER OF FORFEITURE

The United States of America, by its attorney, Carmen M. Ortiz, United States Attorney for the District of Massachusetts, respectfully moves this Court for the issuance of a Final Order of Forfeiture in the above-captioned case pursuant to 18 U.S.C. § 981, 28 U.S.C. § 2461 and Rule 32.2 of the Federal Rules of Criminal Procedure. A proposed Final Order of Forfeiture is submitted herewith. In support thereof, the United States sets forth the following:

1. On May 1, 2012, the United States Attorney for the District of Massachusetts filed a ten-count Information charging defendant John Palandjian (the "Defendant"), with Wire Fraud, in violation of 18 U.S.C. § 1343 (Counts One through Ten).

2. The Information also contained a forfeiture allegation, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), which provided notice that the United States sought the forfeiture, upon conviction of the Defendant of any offense alleged in Counts One through Ten of the Information, of all property, real or personal, that constitutes, or is derived from, proceeds traceable to the commission of the offenses. Such property specifically included, without limitation:

- a. one 2011 GMC Yukon Denali, bearing Vehicle Identification Number 1GKS2EEF3BR239946 and Massachusetts registration number 3JK590 (the "Vehicle").¹

¹ The forfeiture allegation of the Information also listed \$499,900 in United States currency and three checks totaling \$91,241.97 for forfeiture. These assets have been administratively forfeited and, accordingly, are not included in this motion.

Answer
W.B.F. DJ
Feb. 11, 2014

3. The Information further provided that, if any of the above-described forfeitable property, as a result of any act or omission by the Defendant, (a) cannot be located upon the exercise of due diligence; (b) has been transferred or sold to, or deposited with, a third party; (c) has been placed beyond the jurisdiction of the Court; (d) has been substantially diminished in value; or (e) has been commingled with other property which cannot be divided without difficulty, the United States is entitled to seek forfeiture of any other property of the Defendant, up to the value of such assets, pursuant to 28 U.S.C. § 2461(c), incorporating 21 U.S.C. § 853(p).

4. On October 26, 2012, the Defendant pled guilty to Counts One through Ten of the Information.

5. On January 28, 2013, this Court issued a Preliminary Order of Forfeiture against the Vehicle, pursuant to 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c), and Rule 32.2(b)(2) of the Federal Rules of Criminal Procedure. *See* Docket No. 30.

6. Notice of the Preliminary Order of Forfeiture was sent to all interested parties and published on the government website www.forfeiture.gov for thirty (30) consecutive calendar days, beginning on February 1, 2013 and ending on March 2, 2013. *See* Docket Nos. 38 - 41.

7. No claims of interest in the Vehicle have been filed with the Court or served on the United States Attorney's Office, and the time within which to do so has expired.

WHEREFORE, the United States requests that this Court enter a Final Order of Forfeiture against the Vehicle in the form submitted herewith.

Respectfully submitted,

CARMEN M. ORTIZ
United States Attorney

By: /s/ Mary B. Murrane
KRISTINA E. BARCLAY
MARY B. MURRANE
Assistant United States Attorneys
United States Attorney's Office
1 Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3100

Dated: October 10, 2013

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Motion for Final Order of Forfeiture, as well as the proposed Final Order of Forfeiture, were filed through the Electronic Court Filing system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Mary B. Murrane
MARY B. MURRANE
Assistant United States Attorney

Dated: October 10, 2013